

SEARCH AND SEIZURE

To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may search a student, student lockers, or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search. Such searches and seizures may take place at any time on school grounds, aboard school buses, or at school bus stops. Under exigent circumstances, such searches and seizures may also occur on field trips or at other school-sponsored activities that take place off school grounds.

The school administration retains control over lockers and desk space loaned to students, and regulates admission and parking of vehicles on school grounds. School officials therefore have the right and duty to search students' lockers and desks and all vehicles located on school property, consistent with the provisions of this policy, if the principal or other authorized school officials reasonably suspect, upon information received from police or otherwise reliable sources, that drugs, weapons, or dangerous, illegal, unauthorized, or prohibited materials or goods stolen from the school, staff, or students are likely to be found therein.

In exercise of the school's duty to protect the health and safety of its students and staff, a school principal or other authorized staff has the right and duty to search a student's person if they have a reasonable suspicion that drugs, weapons, or illegal or unauthorized materials are likely to be found on the student's person. The fruits of such search may be turned over to the police for inspection and examination and may be the subject of criminal or juvenile court prosecution or school disciplinary proceedings.

As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel or disruptive of any lawful function, mission, or process of the school, or any item described as unauthorized in school rules available beforehand to the student.

A student's failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action. If a student refuses to cooperate with the search, he/she may be detained in the presence of one or more school officials until a parent or legal guardian can be contacted. If the parent or legal guardian refuses to cooperate, police may be contacted. School officials shall at all times retain the discretion to decide whether to detain or question a student suspected of being in possession of any drugs, weapons, or illegal or unauthorized materials.

Personal Searches

A student and his/her personal effects, including but not limited to book bags, purses, backpacks, clothing, etc., may be searched whenever school officials have reasonable suspicion to believe that the student may be in possession of drugs, weapons, or illegal or unauthorized materials. The search may consist of a pat-down or more intrusive searches, consistent with prevailing legal requirements. Except in cases of emergency or other exigent circumstances, a minimum of two school officials of the same sex as the student shall be present during

a pat-down or more intrusive search. However, this requirement will not be applicable to searches not involving the student's person.

If the school official has reasonable suspicion to believe that the student has on his/her person an item imminently dangerous to the student or to others, a more intrusive search of the student's person may be conducted. Such a search may only be conducted in private by a school official of the same sex, with at least one other school official of the same sex present, and only upon the prior approval of the Superintendent or his/her designee, unless the health or safety of students will be endangered by the delay which might be caused by following these procedures.

A personal search may include requiring a student to be scanned with a metal detector.

Locker Searches

Student lockers are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers. Periodic general inspections of lockers may be conducted by school authorities for any reason at any time without notice, without student consent, and without a search warrant.

Automobile Searches

Students are permitted to park on school premises as a matter of privilege, not of right. School officials will develop regulations regarding parking on the school's property.

The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school authority has reasonable suspicion to believe that illegal or unauthorized materials are contained inside. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

Computer Searches

As permitted by law, school officials have the right to search, access or otherwise review all computer and/or internet usage, on school-owned or provided computers by students, and may do so without student consent.

Other Searches

To the extent permitted by law, school officials are authorized to conduct general searches on school property. Such searches may utilize metal detectors, surveillance cameras, or other devices. In addition, school officials may exercise their discretion to decide whether to require assistance by police in conducting such searches or in investigating any crime contrary to the laws of the Commonwealth of Virginia, including but not limited to crimes committed in school buildings or on school grounds, during school hours or during school-sponsored activities occurring before or after school hours.

Seizure of Illegal Materials

If a properly conducted search yields illegal or contraband materials, such findings shall be turned over to proper legal authorities for ultimate disposition.

Investigations in Schools

School administrators have the right and duty to interview students in investigating violations of School Board policies, crimes, or reports thereof, committed during school hours, school-sponsored activities or on school property, or in investigating reports of the presence of drugs, weapons, illegal or unauthorized materials in the school building or on school grounds. School administrators may conduct an investigation independent of any being conducted by police or other law enforcement agencies, but will cooperate to the fullest extent possible with the law enforcement agency.

Whenever a school principal or other authorized school official requests assistance, a police officer may conduct an investigation within the school building and upon school grounds and interview students as possible witnesses in school during the day. Interviews shall be held in the principal's or other administrative office, and reasonable attempts shall be made to maintain in confidence the identity of those interviewed. The principal or his/her designee shall be present during the interview(s).

It shall be the policy of the School Division to notify the parent/guardian of the student prior to any interview or interrogation by the police. In the event that the principal is requested by the police not to notify the student's parent/guardian, the principal shall immediately notify the Division Superintendent and the School Division's legal counsel of this request.

Adopted: July 1, 1993
Amended: December 8, 1997; December 11, 2003

Legal Ref.: New Jersey v. T.L.O., 469 U.S. 325 (1985)
Constitution of the United States, Amendment IV
Constitution of Virginia, Article I, Section 10
Board of Education Guidelines for Student Searches in Public Schools (12/21/99)

Cross Ref.: JFGA, *Relations with Law Enforcement Authorities*

**ACKNOWLEDGMENT CONCERNING USE
OF STUDENT PARKING LOTS**

I acknowledge and understand the following:

- A. Students are permitted to park on school premises as a matter of privilege, not of right;
- B. The school system retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property;
- C. The school system may inspect the interiors of student automobiles whenever a school authority has reasonable suspicion to believe illegal or unauthorized materials are contained inside the automobiles;
- D. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant; and
- E. If I fail to provide access to the interior of my car upon request by a school official, I will be subject to school disciplinary action.

Student

Date

**ACKNOWLEDGMENT CONCERNING USE
OF STUDENT LOCKERS**

I acknowledge and understand the following:

1. Student lockers are the property of the school system;
2. Student lockers remain at all times under the control of the school system;
3. I am expected to assume full responsibility for my school locker; and
4. The school system retains the right to inspect student lockers for any reason at any time without notice, without student consent, and without a search warrant.

Student

Date

Locker Number